

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF VIRGINIA
3 Charlottesville Division

4 *****

5 ALBERT CLATTERBUCK,
6 CHRISTOPHER MARTIN,
7 EARL McCRAW, JOHN JORDAN
8 and MICHAEL SLOAN,

9 Plaintiffs,

10 - vs -

Case No.
3:11-cv-00043

11 CITY OF CHARLOTTESVILLE,
12 Defendant.

COPY

13 *****

14 DEPOSITION OF TIMOTHY J. LONGO

15 12:08 p.m. to 1:22 p.m.

16 August 6, 2013

17 Charlottesville, Virginia

18

19

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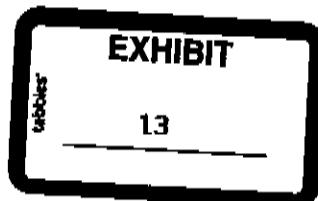
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24 Job No. 22525

25 REPORTED BY: Kimberly A. Adderley, RPR, RMR



1 specifically being part of the decision to make it
2 50 as opposed to 30, as opposed to 10. But, as a
3 general matter, any steps to remove distractions
4 from that conflict point was certainly something
5 we supported then and continue to support now.

6 Q. And would that improve public safety on
7 the Mall?

8 A. Removing distractions from that
9 conflict point, yes, sir.

10 Q. Now, you were asked a number of
11 hypotheticals, but then I think you also testified
12 about an actual incident that Sergeant Jones
13 reported he witnessed; is that right?

14 A. Yes, sir. I believe that's in part
15 what was referenced up in paragraph one, the near
16 misses.

17 Q. When you make your suggestions to these
18 individuals that you have mentioned, Jeanie
19 Alexander, the traffic engineer, City Manager,
20 City Attorney, are these based on your own
21 personal experience or experience that officers
22 have reported to you of problems, say, in this
23 case, on the Downtown Mall?

24 A. It could be both.

25 Q. All right. Now, were there any reports

1 to you by Officer Jones or any other officers of
2 distractions being created by sandwich boards?

3 A. No, sir.

4 Q. Or signs out on the Mall in the swale
5 from various business establishments?

6 A. No, sir.

7 Q. Any reports of distractions in the
8 50-foot area of people because they had blue hair
9 or piercings on their body?

10 A. No, sir.

11 Q. So, you reacted and your concerns were
12 based on the actual concrete experiences that
13 officers had reported of safety issues; is that
14 right?

15 A. Yes, sir.

16 Q. Subject, also, to your ultimate wish,
17 which would be not to even have cars on the Mall;
18 is that right?

19 A. That's correct.

20 Q. You agree that vehicles and pedestrians
21 don't mix?

22 A. Not at all.

23 Q. Would you agree with that?

24 A. I would agree with that. They don't
25 mix at all, no, sir.

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1 A. Yes, sir.

2 Q. And does the ordinance improve traffic
3 safety on the Downtown Mall?

4 A. To the extent that it has curtailed
5 this particular activity tremendously, yes, sir.

6 Q. Again, going back to Exhibit 1, the
7 ordinance, (a)(9), you were asked about the
8 Spectacle Shop, or you mentioned the Spectacle
9 Shop within 50 feet of that vehicular crossover;
10 is that right?

11 A. Yes, sir. That's actually the 50-foot
12 mark right at their front door.

13 Q. Is that Spectacle Shop then adjacent to
14 the Downtown Mall?

15 A. It's on the Downtown Mall, yes, sir.

16 Q. Okay. But it's a business, it's not a
17 person; right?

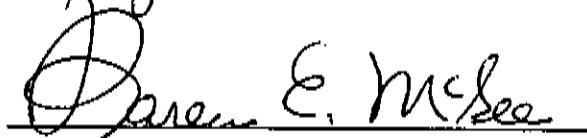
18 A. That's correct. Yes, it's a business.

19 Q. Have you reported any -- have you
20 received any reports that the mere presence of the
21 Spectacle Shop or its signs outside were creating
22 a distraction for pedestrians or vehicles crossing
23 the Mall at that crossover?

24 A. No, sir.

25 MR. MILNOR: I have no further

1 DEPOSITION ERRATA SHEET

2
3 Our Job No. 22525
Case Caption: Clatterbuck vs. Charlottesville
Deposition Date: August 6, 2013
45 DECLARATION UNDER PENALTY OF PERJURY
67 I declare under penalty of perjury that I have
8 read the entire transcript of my Deposition taken in
9 the captioned matter or the same has been read to
10 me, and the same is true and accurate, save and
11 except for changes and/or corrections, if any, as
12 indicated by me on the DEPOSITION ERRATA SHEET
13 hereof, with the understanding that I offer these
14 changes as if still under oath.15 Signed on the 29 day of August, 2013.16 17
18 TIMOTHY J. LONGO19 Subscribed and sworn before me this 29 day
20 of August, 2013, in Charlottesville, VA.21 22
23 Notary Public24 My Commission Expires: 11/30, 2014.25 Notary Public Registration No. 187477.

1

DEPOSITION ERRATA SHEET

2

3 Page No. 27 Line No. 2 Change to: "on demand"

4

5 Reason for change: "in demand" is incorrect.6 Page No. 38 Line No. 10 Change to: "I THINK
IT'S ADVERTISEMENT"

7

8 Reason for change: INCORRECT

9

Page No. _____ Line No. _____ Change to: _____

10

11 Reason for change: _____

12 Page No. _____ Line No. _____ Change to: _____

13

14 Reason for change: _____

15 Page No. _____ Line No. _____ Change to: _____

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17 Reason for change: _____

18 Page No. _____ Line No. _____ Change to: _____

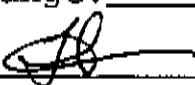
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20 Reason for change: _____

21 Page No. _____ Line No. _____ Change to: _____

22

23 Reason for change: _____

24 SIGNATURE:  DATE: 8/29/13

25

TIMOTHY J. LONGO